

OPINION 1035

MASTIGODRYAS AMARAL, 1934 (REPTILIA, SERPENTES):
REFUSAL TO USE THE PLENARY POWERS FOR SUPPRESSION

RULING.—(1) The application for the use of the plenary powers to suppress the generic name *Mastigodryas* Amaral, 1934, for the purposes of the Law of Priority but not for those of the Law of Homonymy, is hereby refused.

(2) The generic name *Mastigodryas* Amaral, 1934 (gender: feminine), type-species *Mastigodryas danieli* Amaral, 1934, by monotypy, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 2008.

(3) The specific name *danieli* Amaral, 1934, as published in the binomen *Mastigodryas danieli* (the specific name of the type-species of *Mastigodryas* Amaral, 1934) is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2545.

Note—The refusal to place the generic name *Dryadophis* Stuart, 1939 (gender: feminine), type-species, by monotypy, *Coluber boddaerti* Sentzen, 1796, on the Official List of Specific Names in Zoology is in no way a ruling on the validity or otherwise of that name.

HISTORY OF THE CASE (Z.N.(S.) 1533)

The present application was submitted to the office of the Commission by Hobart M. Smith in May 1962. The application was sent to the printer on 27 July 1962 and was published on 26 April 1963, in *Bull. zool. Nom.* 20 : 230. Public Notice of the possible use of the plenary powers was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nom.* 21 : 184) and to two specialist serials.

An objection was received from Dr. do Amaral (*Bull. zool. Nom.* 21 : 13).

DECISION OF THE COMMISSION

On 12 February 1965 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (65)4 either for or against the proposals set out in *Bull. zool. Nom.* 20 : 230. At the close of the prescribed voting period on 12 May 1965 the state of the voting was as follows:

Affirmative votes—four (4), received in the following order: Mayr, Alvarado, Uchida, Mertens

Negative votes—eighteen (18): China, Lemche, Binder, Riley, Vokes, Stoll, Holthuis, Obruchev, Simpson, Tortonese, Jaczewski, do Amaral, Forest, Miller, Ride, Kraus, Brinck, Sabrosky

Voting Papers not returned—six (6): Bonnet, Borchsenius, Evans, Hubbs, Munroe

Professor Boschma returned a late affirmative vote.

The following comments were made by Commissioners in returning their voting papers:

Dr. W. E. China (16.ii.1965): "I see no reason to suppress *Mastigodryas* Amaral merely because it was overlooked for five years by herpetologists."

Dr. H. Lemche (16.ii.1965): "This case seems to belong to taxonomy and not to nomenclature."

Professor E. Mayr (19.ii.1965): "I vote for except there should perhaps be a provision for an availability of the name *Mastigodryas* for those who do not consider *M. danieli* Amaral as congeneric with *Dryadophis* (as claimed by Amaral, *Bull.* 21 : 13)."

Mr. N. D. Riley (25.ii.1965): "I see no reason not to let the Rules take their course in this case, the difficulty being of very recent origin."

Dr. D. V. Obruchev (28.ii.1965): "Against para (1) and (2) of the proposal but for para (3) and (4)."

Professor G. G. Simpson (19.iii.1965): "If do Amaral is right, approval of this proposal would leave a genus without a valid name. The Commission cannot solve or rightly consider the zoological non-nomenclatural problem. It seems best to let the Code rule."

Professor Dr. R. Alvarado (17.iii.1965): "In view of the objection published by Dr. do Amaral (*Bull.* 21 : 13) the best way, in my opinion, is to validate the names *Dryadophis* and *boddaerti* as set out in points (3) and (4) of the proposal. Then to open a new discussion concerning points (1) and (2)."

Professor E. Tortonese (5.iv.1965): "I agree with the objection raised by Dr. do Amaral."

Professor Dr. T. Jaczewski (31.iii.1965): "In view of the objections raised by Doctor do Amaral (*Bull. zool. Nom.* 21 : 13) the case seems to require reconsideration as it is of a partly taxonomical character."

Professor Dr. A. do Amaral (5.iii.1965): "My vote is based on the taxonomic reasons set forth in my comment (*Bull.* 21 : 13)."

Professor P. Brinck (5.v.1965): "According to do Amaral the question raised is a taxonomic one so I am unable to vote for the proposal as long as both units are retained by certain specialists. A positive vote would mean that the Commission tries to solve a taxonomic problem by a nomenclatorial decision."

Dr. C. W. Sabrosky (7.v.1965): "*Mastigodryas* should not be suppressed in the face of zoological opinion that it represents a valid recognizable genus. But even if it did not, I am opposed to suppression. Dunn called attention to the priority of *Mastigodryas* over twenty years ago in 1944, and that name should have been used by those who believed that only the genus was involved."

Dr. A. H. Miller (25.iv.1965): "Dunn quite early pointed out an earlier and not very old name. No one is going to be much confused by following priority here."

ORIGINAL REFERENCES

The following are the original references for the names placed on the Official Lists by the Ruling given in the present Opinion:

danieli, *Mastigodryas*, Amaral, 1934, *Mems Inst. Butantan* 8 : 158

Mastigodryas Amaral, 1934, *Mems Inst. Butantan* 8 : 157

CERTIFICATE

I certify that the votes cast on Voting Paper (65)4 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 1035.

R. V. MELVILLE, *Secretary, International Commission on
Zoological Nomenclature, London, 21 October 1974*